

(2011) 12 SHI CK 0072
In the High Court Of Himachal Pradesh
Case No : CWP No.4171-E of 2011

Ashok Kumar Barsola

APPELLANT

Vs

H.P. State Electricity Board and Accounts Officer (Pay Fixation) NG (F and A) Wing, HPSEB, Shimla-4, District Shimla.

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 12 SHI CK 0072

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Surjit Singh, Judge

1. By means of present petition, under Article 226 of the Constitution of India, petitioner has sought issuance of a direction to the respondents to refix his salary in the revised pay-scale effective from 1.1.1996, in the same manner as has the pay of an employee junior to him in the same cadre, namely Suresh Kumar Dhiman, been fixed. According to the petitioner, he is senior to said Suresh Kumar Dhiman, but while fixing pay in the revised pay scale effective from 1.1.1996, his pay was fixed at Rs. 8550, though the pay of his junior Suresh Kumar Dhiman was fixed at Rs. 8825. According to him, he being senior to said Suresh Kumar Dhiman, his pay is required to be fixed at least at the same stage at which pay of said Suresh Kumar Dhiman has been fixed.

2. In reply, it is stated by the respondents that while exercising option, petitioner though opted for switching over to the revised pay-scale w.e.f. 1.1.1996, yet he claimed that his pay was to be fixed in the revised payscale, after he earned increment in the pre-revised scale, while his junior did not ask for allowing the increment in the pre-revised pay-scale.

3. I have heard learned counsel for the parties and gone through the record.

4. Option exercised by the petitioner in the revised-scale is Annexure P-2. Option exercised by his junior Suresh Kumar Dhiman is Annexure P-3. Respondents do not dispute the genuineness of Annexures P-2 and P-3. It is nowhere written in the option of the petitioner, which is Annexure P-2, that his pay is to be fixed in the revised payscale, after he earns increment in the pre-revised scale. As a matter of fact, there is no reference to the pre-revised scale in option Annexure P-2. Petitioner has very categorically opted for revised scale w.e.f. 1.1.1996, with increment (which implies next increment) in the revised scale and not in the pre-revised scale.

5. In view of the above stated position, present writ petition is allowed and the respondents are directed to fix the pay of the petitioner on par with his junior Suresh Kumar Dhiman. This direction be complied with and arrears paid to the petitioner, within four months.